IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8939 OF 2004

The Shakha Adhikari,
Kolad Shakha, Sinchan Vyavastha,
Goregaon,Dist.Raigad & Ors.... ... Petitioners.

Versus

Narayan J. Thakur..... Respondent.

Mr. D.A.Patil, AGP for the Petitioners.

None for the Respondent.

CORAM : S. C.DHARMADHIKARI, J.

DATED : 20TH DECEMBER, 2004.

P.C.:

Heard Shri Patil, learned Asstt. Government Pleader for the Petitioners.

2. The Petitioners are the original Respondents in Complaint (ULP) No. 233 of 1990. An application is filed by the Petitioners in the pending complaint raising an objection to the maintainability of the same on the ground that the Irrigation Department of the State of Maharashtra is not an Industry within a meaning of Section 2(j) of the Industrial Disputes Act. It appears that a complaint has reached the

stage of evidence. It is partly recorded. At that stage the contention is raised. By the impugned order, the learned Member of the Industrial Court, Thane has decided the application and held that Irrigation Department of the State of Maharashtra is an Industry.

3. In my view, it was not necessary to have a piece meal adjudication in the facts and circumstances of this case. The Application, Exhibit 63, could have very well been considered along with the main complaint. In my view, the complaint which is pending since 1990 needs to be decided expeditiously. Therefore, it is not necessary to interfere at this stage as the order impugned in the petition is inter locutory. The Petitioners are at liberty to raise the pleas that are raised in the present writ petition if the final order on the complaint is adverse to them. Leaving all contentions open to be adjudicated at an appropriate stage the petition is disposed of.

Sd/-

(S. C. DHARMADHIKARI,J.)